

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

Petnam
PLM-I

FILE: B-219263

DATE: September 17, 1985

MATTER OF: George Boeringa - Real Estate Expenses -
Inability to Sell Residence

DIGEST:

Transferred employee, who has been unable to sell residence at old duty station for period in excess of 3 years, requests that government purchase it. Although provisions of 5 U.S.C. § 5724c (1982) and FTR, paras. 2-12.1 et seq., (Supp. 11, November 14, 1983), provide each agency with discretionary authority to enter into contracts with private firms to provide relocation services to employees, including arranging for purchase of a transferred employee's residence, they do not authorize purchase of employee's residence by the government. In any event, FTR Supplement 11 only applies to employees whose effective date of transfer is on or after November 14, 1983. Since claimant transferred on November 29, 1981, the statute and regulations are not applicable to his claim.

This decision is in response to a request by Mr. Virgil D. Elliott, Controller, Medical Center for Federal Prisoners, Bureau of Prisons, United States Department of Justice, for a decision as to whether Mr. George Boeringa, an employee of the agency, is entitled to have his residence at his old duty station, which he has been unable to sell for a period in excess of 3 years, purchased by the government. For the following reasons, the claimed benefit may not be granted.

Mr. Boeringa was transferred from Terre Haute, Indiana, to Springfield, Missouri. He reported for duty at his new permanent duty station on November 29, 1981. He listed his

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residence for sale with a realtor who has been unable to sell it for a period in excess of 3 years due to a depressed real estate market.

Mr. Boeringa has been granted two extensions of time in which to sell his residence, the last extension expiring on November 27, 1984. He requests that the government purchase his residence under the authority of 5 U.S.C. § 5724c (1982). The claimant contends that this is proper inasmuch as he did not apply for his current position, but was reassigned to it by the Bureau of Prisons. He also states that the extension granted to sell his residence was still in effect when Public Law 98-151, November 14, 1983, 97 Stat. 978, which purportedly permits the claimed benefit, was enacted.

The statute in question, 5 U.S.C. § 5724c provides that each agency is authorized to enter into contracts to provide relocation services to agencies and employees, including, but not limited to, arranging for the purchase of a transferred employee's residence.

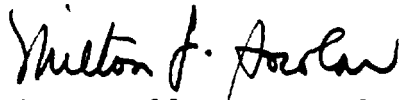
The implementing Federal Travel Regulations ^{1/} prohibit payment for market losses and do not authorize the purchase of the employee's residence by the government. Further, the provisions of Supplement 11 are effective only for employees whose effective date of transfer is on or after November 14, 1983, the date of enactment of Public Law 98-151, cited earlier. The supplement specifically states that the effective date of transfer is the date on which the employee reports for duty at the new official station.

Inasmuch as Mr. Boeringa reported for duty at his new official station, Springfield, Missouri, on November 29, 1981, prior to the effective date of Public Law 98-151, neither its provisions nor those of the implementing regulations are applicable to him. See James J. O'Meara, Jr., B-191485, November 21, 1978.

^{1/} Federal Travel Regulations, para. 2-12.1 et seq., (Supp. 11, July 25, 1984, incorp. by ref., 41 C.F.R. § 101-7.003 (1984)).

B-219263

Accordingly, the request by Mr. George Boeringa, that the government purchase his residence at his old duty station, may not be granted.


Acting Comptroller General
of the United States